United Nations S/2004/106

Security Council

Distr.: General
11 February 2004

Original: English

Letter dated 10 February 2004 from the Secretary-General addressed to the President of the Security Council

With reference to the statement by the President of the Security Council of 12 December 2002 (S/PRST/2002/33), I have the honour to convey the letter dated 21 January 2004 which I received from the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union, transmitting the report on the activities of the European Union Police Mission in Bosnia and Herzegovina covering the period from 1 July to 31 December 2003 (see annex).

I should be grateful if you would bring the present letter and its annex to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Letter dated 21 January 2004 from the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union to the Secretary-General of the United Nations

In accordance with the statement by the President of the Security Council of 12 December 2002 (S/PRST/2002/33), I attach a report on the activities of the European Union Police Mission in Bosnia and Herzegovina (EUPM) covering the period from 1 July to 31 December 2003 (see enclosure). I propose to continue to provide the Security Council with a written update on the progress of EUPM every six months, as appropriate. I should be grateful if you would transmit the present letter and its enclosure to the President of the Security Council.

(*Signed*) Javier **Solana**

Enclosure

Report of the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union on the activities of the European Union Police Mission in Bosnia and Herzegovina covering the period from 1 July to 31 December 2003

Introduction

The European Union Police Mission is the first operation undertaken under the European Security and Defence Policy. It was initiated as a follow-on mission to the International Police Task Force (IPTF) in Bosnia and Herzegovina.

This report is the second update by the Secretary-General and High Representative for the Common Foreign and Security Policy of the European Union to the Security Council on the activities of the Mission and covers the period from 1 July to 31 December 2003.

Status

As at 31 December 2003 EUPM numbered 861 personnel of whom 471 are seconded police officers, 58 international civilians and 332 Bosnia and Herzegovina national staff. All 15 European Union member States participate in the Mission (384 police officers) together with 18 non-EU contributing States (87 police officers). For the first time, the Russian Federation contributed personnel to EUPM during this reporting period.[1]

Mandate and operations

The European Union Police Mission began operations on 1 January 2003 with a mission to establish sustainable policing arrangements under Bosnia and Herzegovina ownership in accordance with best European and international practice, thereby raising current police standards in Bosnia and Herzegovina.[2] It is a non-executive mission and achieves its objectives through mentoring, advising and monitoring the police forces of Bosnia and Herzegovina.

The Mission conducts its operations through intensive co-location at the senior and middle levels of the police, from State to entity to public security centre/canton level, and seven core programmes (five thematic and two institution specific):

- Crime police (including major and organized crime and human trafficking "FIGHT" project)
- Criminal justice (including court police and cooperation between the police and judiciary)
- Internal affairs (including establishment of public complaints bureaus in each police force)

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[1] The 18 non-EU contributing States are Bulgaria, Canada, the Czech Republic, Cyprus, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Poland, Romania, the Russian Federation, Slovakia, Slovenia, Switzerland, Turkey and Ukraine.

[2] Council of the European Union Joint Action of 11 March 2002 on the European Union Police Mission (2002/210/CFSP), annex, Mission Statement for EUPM.

- Police administration (including financial, personnel and administrative management training)
- Public order and security (including returnee safety, crime prevention, support units)
- State Border Service (SBS)
- State Information and Protection Agency (SIPA).

A Bosnia and Herzegovina Police Steering Board has been established by EUPM and has matured in the past six months. It comprises the Director of SIPA, the Director and Chief of Service of SBS, the Director of Police of the Federation of Bosnia and Herzegovina, the Republika Srpska Police Director, the Brcko District Police Chief and the EUPM Police Head of Mission. Its function is to drive forward the changes required to improve the effectiveness and efficiency of the local police, under local ownership, and to promote synergies, coordination and cooperation between the different police forces. The Bosnia and Herzegovina Police Steering Board is also the top-level operational vehicle whereby the core programmes are tabled to the senior police officers in Bosnia and Herzegovina for their consideration and action where appropriate. Each programme has a working group consisting of Bosnia and Herzegovina and EUPM police officers.

Each core programme and the numerous sub-projects have been benchmarked. The benchmarking process is the main tool whereby EUPM and the local police can monitor the progress and implementation of the programmes across the police forces.

As noted in the recent feasibility study by the European Commission on the preparedness of Bosnia and Herzegovina to negotiate a Stabilization and Association Agreement with the European Union, policing in Bosnia and Herzegovina has improved: professionalism has increased, management capacity has grown and cooperation between police services and other enforcement agencies has improved (for example, SBS and the customs authorities). Understanding and cooperation between the police forces is also improving. In November, for the first time, a joint operation was conducted by the Federation, Republika Srpska and Brcko District Police. Likewise, the State Border Service has improved its operational cooperation with local police forces and inter-cantonal coordination is much enhanced.

The feasibility study of the European Commission also gave an additional impetus for further improvement in reforms in the police sector in Bosnia and Herzegovina. The study referred specifically to the need to reform further and to enhance State-level enforcement capacity to fight crime, as well as the need for further restructuring and rationalization of the disparate police forces.

It should be noted that progress in the Bosnia and Herzegovina police forces has occurred against the backdrop of considerable overall progress in the strengthening of the rule of law in Bosnia and Herzegovina, notably in the judicial and prosecutorial fields.

Operational priorities

The Police Head of Mission has maintained the Mission's priorities in the second half of 2003 as the strengthening of the State-level law enforcement

agencies, the fight against organized crime, especially human trafficking, and the safety and security of returnees. The first two priorities are inextricably linked. EUPM also recognizes the existing links between war crimes and organized crime as well as returnee security. In this context, the War Crimes Advisory Unit is addressing these issues and also ensuring correct local police procedures for the handling of those war crimes cases being tried in Bosnia and Herzegovina.

The implementation of two EUPM projects, "Major and organized crime" and "Fight and intervention against human trafficking", has produced improved police and State Border Service performance in tackling car theft, drugs seizures and the trafficking of human beings.

The local police's abilities to fight organized crime have been improved by the Mission's introduction and mentoring of intelligence-led policing. In relation to human trafficking, this was summarized in the recent UNICEF/OHCHR/OSCE Office for Democratic Institutions and Human Rights report on the trafficking of human beings in south-eastern Europe:

> "EUPM has introduced a new law enforcement strategy to combat trafficking based on investigation-led policing and the restructuring of the local police. The changes introduced by EUPM are very positive. They are based on the experience of members of the EUPM Trafficking Team in combating trafficking in Western Europe. Investigation-led policing focuses on the criminals rather than the victims by collecting evidence against the traffickers rather than by constantly harassing the victims during repetitive, poorly prepared bar raids. These are altogether necessary and very welcomed changes in the law enforcement approach to the issue of trafficking, changes that are also recommended for other countries."[3]

Nevertheless, the current capacity of the police forces to fight major and organized crime in a coherent and coordinated way is still limited. This capacity can only be raised by the effective establishment of SIPA with police powers, the ability to gather and analyse criminal intelligence and enhance the coordination and cooperation between the police forces, and an enhanced role of the Ministry of Security regarding policy and administrative matters. Intensive work on these issues has been a priority during this reporting period in close consultation between SIPA, the Ministry of Security, EUPM and the Office of the High Representative (the High Representative has also been appointed a European Union Special Representative and part of the EUPM chain of command). It is expected that substantial progress will have been made in this area by mid-2004. In terms of the rule of law, an executive SIPA would provide the missing link in the chain that includes the State Court and State Prosecutors that were established in 2003.

It became further apparent over the course of the last six months that the structure and size of the local police forces are financially and operationally inefficient. This will require further attention in 2004. In parallel, the European Commission delegation initiated — as part of a wider assessment of public administration — an audit on the police focusing, among other things, on the financial viability of the police structures.

[3] "Trafficking in Human Beings in South Eastern Europe", November 2003.

Challenges

The last three months of 2003 were dominated by the need to address inappropriate political interference in the police in the Federation of Bosnia and Herzegovina. On 29 October 2003, the High Representative/European Union Special Representative, Lord Ashdown, accompanied by the EUPM Police Head of Mission, called a press conference at which he drew attention to interference, in particular but not exclusively by the SDA (Party of Democratic Action), in the policing of three specific cantons as well as at the Federation level as the most worrying examples of political meddling. Engagement by the High Representative/European Union Special Representative and the Police Head of Mission with senior Bosnia and Herzegovina and Federation politicians helped to stem the problem and served as a timely reminder that political interference in the police would not be tolerated. It cannot be discounted that attempted meddling will re-emerge. EUPM remains vigilant on this score, and will continue to work towards the eradication of undue political influence or interference in policing.

Challenges to and attempts to overturn the IPTF certification process have continued. EUPM legal advisers have been constantly engaged in monitoring court cases where the IPTF certification process has been challenged by police officers who were denied certification. Some local courts rendered decisions declaring the dismissal of those former police officers null and void because the Ministry of the Interior did not apply domestic legislation. After careful consideration by the Department of Peacekeeping Operations of the United Nations Secretariat, the Office of the High Representative, the United Nations representative in Bosnia and Herzegovina and EUPM, it was agreed that United Nations Headquarters would examine the specifics before coming to a final assessment on how to deal with this important and urgent issue. It is of vital importance that this issue, which has the capacity to overturn progress and to widen to other areas (for example, the restructuring of the judiciary), is resolved without further delay.

Coordination with the authorities of Bosnia and Herzegovina

The relations of EUPM with the local police authorities have remained good, as witnessed in the successful functioning of the Bosnia and Herzegovina Police Steering Board. It has not met wilful obstruction across its co-locations and the police have, for the most part, responded positively and professionally to EUPM mentoring. A Bosnia and Herzegovina Police opinion survey, conducted by EUPM in October and November, showed that the local police have a good understanding of the EUPM mandate and that the Mission is well perceived. Public confidence in the rule of law is rising, albeit slowly. In this regard, it is important that high-level criminals be brought to justice quickly in order to demonstrate real, practical progress to the public and seriousness of purpose. It is interesting to note that those anonymous police officers surveyed saw political interference, material conditions (salaries, equipment and education) and needed modifications to local laws as the major obstacles to the successful implementation of the EUPM mandate.

Coordination at the State level has been hampered by the slow pace of the establishment of the Ministry of Security and SIPA. SBS continues to become more operationally effective. Relations were strained with the Federation Minister of the Interior owing to his attempted interference in the police, and to a lesser extent the Republika Srpska Minister of the Interior over the latter's attempt to award a

popular but unrealistic 20 per cent police pay rise. Extensive engagement and coordination with other international actors has, it is hoped, laid these issues to rest and will allow for greater coordination in 2004.

Liaison with the international community

Coordination between the Office of the High Representative and EUPM is exemplary and has ensured a common approach and stance on the major issues that span the rule of law. The High Representative/European Union Special Representative has provided valuable political support, especially on the issues of political interference, police reform and the certification process. Coordination is further reinforced through the Political Department and the rule of law pillar of the Office of the High Representative. EUPM and the Office of the High Representative participate with SIPA authorities in the management group to establish SIPA.

Liaison with the European Commission delegation, particularly in relation to the CARDS programme, remains close, as has EUPM liaison and cooperation with other international community actors involved in the funding and development of police related matters, such as embassies and the International Criminal Investigative Training Assistance Program.

Liaison with appropriate elements of the Stabilization Force (SFOR) has been particularly useful, especially in regard to issues such as major and organized crime, information flow, situational awareness and security. The Situational Awareness Groups, established by SFOR and EUPM in concert with OSCE, continue to work well and all agencies involved continue to further the timely passage of security and awareness information to the international community.

Outlook

EUPM will continue to consolidate its achievements and those of IPTF. It will continue the implementation of its core programmes through the local ownership of the Bosnia and Herzegovina Police Steering Board. It will be imperative that EUPM continues to tackle inappropriate political interference as this is often the main obstacle to the fulfilment of the programmes' objectives. The schedule for this implementation must remain on track, especially in Republika Srpska where it has tended to be slower. It is to be expected that the challenges to the certification process will continue in 2004.

The Mission priorities will remain, with special emphasis on the effective establishment of SIPA and the fight against organized crime. On this issue and that of police restructuring, EUPM will continue to work closely with the other international actors in order to continue to raise the standard of the rule of law in Bosnia and Herzegovina and the effectiveness of its police forces.